

**REMARKS**

**I. Introduction**

Claims 2 – 5 are pending in the above-identified application. In view of the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

**II. Claim Rejections Under 35 U.S.C. § 102**

Claims 2 – 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wachi (JP 10-092100). Applicants traverse this rejection for at least the following reasons.

Claim 2 recites, among other things, a rotational velocity controlling system comprising revolution number detecting means for detecting the number of revolutions of the information recording medium and control information generating means for generating rotation control information used for controlling the rotational velocity of the information recording medium based on the revolution number information obtained by the revolution number detecting means and the linear velocity information obtained by the linear velocity detecting means. Claim 5 includes similar recitations. At least this combination of features is not disclosed by the cited references.

Wachi discloses an optical disk device having a structure such that the location of the head is detected based on linear velocity information S and revolution number information F. In accordance with the detected location of the head, the system controller switches the disc rotation control mode. The alleged revolution number information and the linear velocity information in Wachi are used merely for detecting the location of the head.

In the pending claims, by contrast, the rotational velocity is controlled based on the revolution number information and the linear velocity. That is, the revolution number

information and the linear velocity information are used in a specific way to control rotation, thereby making it possible to avoid disturbances in rotational velocity of the recording medium at the time of mode switching (switching rotation controls) and smoothly record information over the entire disc surface at once. Wachi is silent as to the effect of no disturbances in rotational velocity of the optical disk at the time of switching disc rotation control modes. In any event, Wachi does not disclose a structure wherein the rotational velocity is controlled based on the revolution number information and the linear velocity. Only Applicants have considered and recognized these effects and conceived of the novel combination of elements which can enable the realization of said effects.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and Wachi fails to disclose at least the above identified features, it is clear that Wachi does not anticipate claims 2 and 5.

Claims 3 and 4 depend from claim 2. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Harness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claim 2 is patentable for at least the reasons set forth above, it is respectfully submitted that all dependent claims are also in condition for allowance. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

**III. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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